

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRISTATE HVAC EQUIPMENT, LLP,

Plaintiff,

v.

BIG BELLY SOLAR, INC.,

Defendant.

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CIVIL ACTION NO. 10-1054

ORDER

AND NOW, this 19th day of December, 2011, upon careful consideration of defendant Big Belly's motion to dismiss counts II–VII of plaintiff TriState's amended complaint (document no. 31) and TriState's opposition thereto, **IT IS HEREBY ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Big Belly's motion to dismiss is **GRANTED** as to count VI, asserting unjust enrichment.

2. Big Belly's motion to dismiss is **DENIED** as to the remaining counts.

/s/William H. Yohn, Jr.

William H. Yohn, Jr., Judge